

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BLEAKLEY PLATT & SCHMIDT, LLP

One North Lexington Avenue

White Plains, New York 10601

(914) 949-2700

Attorneys of Record for Defendants:

Joseph DeGiuseppe, Jr. (JD 6376)

Michael P. Benenati (MPB 9669)

-----X  
JOHN W. BUCKLEY,

Plaintiff,

-against-

-PHILIPS ELECTRONICS NORTH AMERICA  
CORPORATION, PHILIPS SEMICONDUCTOR  
MANUFACTURING, INC., NXP  
SEMICONDUCTORS AND PHILIPS  
ELECTRONICS NORTH AMERICA DEFINED  
BENEFIT PENSION PLAN,

Defendants.

Case No. 07 Civ. 6775  
(SCR) (GAY)

**DEFENDANT PHILIPS  
ELECTRONICS NORTH  
AMERICA DEFINED  
BENEFIT PENSION PLAN'S  
NOTICE OF MOTION TO  
DISMISS PLAINTIFF'S  
AMENDED COMPLAINT**

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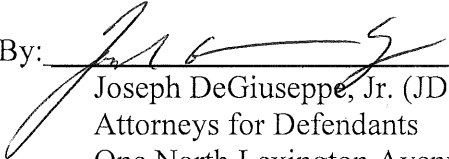
To: Christopher A. D'Angelo, Esq.  
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**PLEASE TAKE NOTICE**, that pursuant to the briefing schedule "so ordered" by the Court, the undersigned hereby moves this Court for an Order, granting Defendant Philips Electronics North America Defined Benefit Pension Plan's Motion to Dismiss Plaintiff's Amended Complaint in its entirety with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

**PLEASE TAKE FURTHER NOTICE**, that in support of the instant motion, Defendant Philips Electronics North America Defined Benefit Pension Plan ("Defendant Plan") will rely on the following documents, together with the exhibits attached thereto: (1) Affidavit of Joseph DeGiuseppe, Jr., sworn to August 26, 2008, in Support of Defendant Plan's Motion to Dismiss Plaintiff's Amended Complaint; and (2) Memorandum of Law, dated August 26, 2008, in Support of Defendant Plan's Motion to Dismiss the Amended Complaint Pursuant to F.R.C.P. Rule 12(b)(6).

Dated: White Plains, New York  
August 26, 2008

BLEAKLEY PLATT & SCHMIDT, LLP

By:   
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